

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**SONEET R. KAPILA, as Assignee;**

**Plaintiff,**

**vs.**

**KENNETH “KIP” GORDMAN,**

**Defendant.**

**8:21CV104**

**ORDER TO SHOW CAUSE**

This matter comes before the court after a review of the docket and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff commenced this action on March 12, 2021. ([Filing No. 1](#)). On March 31, 2021, Plaintiff filed a signed Waiver of Service of Summons dated March 29, 2021. ([Filing No. 18](#)). The Waiver acknowledges Defendant’s response to the Complaint would be due May 25, 2021. To date, Defendant has not filed any responsive pleading and Plaintiff has taken no further action in this case. Plaintiff have a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules, voluntarily dismiss this case, or take other action as appropriate. Under the circumstances, Plaintiff must make a showing of good cause for failure to prosecute or the action will be dismissed. Accordingly,

**IT IS ORDERED:** On or before **July 9, 2021**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 23<sup>rd</sup> day of June, 2021.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge